UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,062	01/12/2001	Christopher M. Connors	M-9722 US	2598

33438 7590 02/16/2005	EXAMINER
HAMILTON & TERRILE, LLP	FADOK, MARK A

HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 02/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/760,062	CONNORS ET AL.
	Examiner	Art Unit
	Mark Fadok	3625

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 December 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>2-7,9-14,16-21,29,31 and 33</u> is/are pending in the application.

   4a) Of the above claim(s) <u>23-28,30 and 32</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2-7,9-14,16-21,29,31 and 33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07 May 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. <u>2/18/2005</u>.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 3/30/2004, which was received 8/9/2004. Acknowledgement is made to the cancellation of claims 1,8,15 and 22 the amendment to claims 2-7,9-14,16-21 and 23-28 and the addition of claims 29-29. The applicant elected claims 1-7,9-14,16-21,29,31, and 33 without traverse, therefore claims 1-7,9-14,16-21,29,31, and 33 are pending in the instant application. The examiner has carefully considered the applicant's amendments and remarks which were found to overcome the 35 USC 101 and 102 of the office action mailed 3/30/2004, However, after further searching the following rejection is provided which was necessitated by amendment.

Response to Election

The examiner is in receipt of applicant's response to restriction requirement mailed 11/3/2004, which was received 12/3/2004. Acknowledgement is made to the election of Group IA, which includes claims 1-7,19-14,16-21,29,31, and 33 without traverse. See attached interview summary for a discussion of the withdrawal of claims 23-28 from elected group IA.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 2-7,9-14,16-21,29,31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahluwalia (US 6,728,685).

In regards to claim 29, Ahluwalia discloses a method of comparing products wherein at least one of the products is automatically generated, the method comprising:

receiving data from a first computer system, wherein the received data includes product configuration data (FIG 4A);

processing the received data with a second computer system to generate a first product configuration (FIG 4B);

providing data to the first computer system to allow the first computer system to display the first product configuration (FIG 4A);

receiving a request from the first computer system to automatically generate a second product configuration that is comparable to the first product configuration (col 17, lines 23-55, particularly return of searched vehicle selections);

processing the request with the second computer system to automatically generate the second product configuration (col 17, lines 23-55, configured model tags 1031); and

providing data to the first computer system to allow the first computer system to

display the first and second product configurations and allow comparison of features of

the first and second product configurations (FIG 37A, item 2126).

In regards to claim 2, Ahluwalia teaches a wherein said first product

configuration is a first vehicle and said second product configuration is a second vehicle

(col 30, lines 60-65).

In regards to claim 3, Ahluwalia teaches wherein processing the received data

with a second computer system to generate a first product configuration further

comprises: selecting said first product configuration from at least one stored product

configuration (col 30, lines 60-65).

In regards to claim 4, Ahluwalia teaches wherein said first product configuration

represents a configuration of a first vehicle and receiving data from the first computer

system further comprises:

 receiving a selection of a make of said first vehicle,

 receiving a selection of a model of said first vehicle, and

 receiving a selection of a trim level of said first vehicle (FIG 13).

In regards to claim 5, Ahluwalia teaches receiving a selection of an equipment

level of said first vehicle (FIG 13).

In regards to claim 6, Ahluwalia teaches automatically generating a third product configuration, wherein said third product configuration is comparable to said first product configuration with regard to a product type (FIG 4A, item 416)

In regards to claim 7, Ahluwalia teaches wherein said third product configuration is also comparable to said first product configuration with regard to a product price (FIG 26B).

In regards to claim 31, Ahluwalia discloses a computer system comprising: a processor;

a computer readable medium coupled to said processor; and computer code encoded in said computer readable medium and executable by said processor to cause said processor to:

receive data from a first computer system, wherein the received data includes product configuration data;

process the received data to generate a first product configuration;

provide data to the first computer system to allow the first computer system to display the first product configuration;

receive a request from the first computer system to automatically generate a second product configuration that is comparable to the first product configuration;

process the request to automatically generate the second product configuration;

and

provide data to the first computer system to allow the first computer system to

display the first and second product configurations and allow comparison of features of

the first and second product configurations (see response to claim 1).

In regards to claim 9, Ahluwalia teaches wherein said first product

configuration is a first vehicle and said second product configuration is a second vehicle

(see response to claim 2).

In regards to claim 10, Ahluwalia teaches code encoded in said computer

readable medium and executable by said processor to cause said processor to:

select said first product configuration from at least one stored product

configuration (see response to claim 3).

In regards to claim 11, Ahluwalia teaches wherein said first product

configuration represents a configuration of a first vehicle and said received data further

comprises:

selection of a make of said first vehicle

selection of a model of said first vehicle, and

selection of a trim level of said first vehicle (see response to claim 4)

In regards to claim 12, Ahluwalia teaches wherein said received data further comprises selection of an equipment level of said first vehicle (see response to claim 5).

In regards to claim 13, Ahluwalia teaches code encoded in said computer readable medium and executable by said processor to cause said processor to:

automatically generate a third product configuration,

wherein said third product configuration is comparable to said first product configuration with regard to a vehicle product type (see response to claim 6).

In regards to claim 14, Ahluwalia teaches wherein said third product configuration is also comparable to said first product configuration with regard to a product price (see response to claim 7).

In regards to claim 33, Ahluwalia discloses a computer program product comprising code encoded in said computer
program product to cause a computer system to:

receive data from a first computer system, wherein the received data includes product configuration data;

process the received data to generate a first product configuration;

provide data to the first computer system to allow the first computer system to display the first product configuration;

receive a request from the first computer system to automatically generate a

second product configuration that is comparable to the first product configuration;

process the request to automatically generate the second product configuration;

and

provide data to the first computer system to allow the first computer system to

display the first and second product configurations and allow comparison

of features of the first and second product configurations (see response to claim 1).

In regards to claim 16, Ahluwalia teaches wherein said first product

configuration is a first vehicle and said second product configuration is a second vehicle

(see response to claim 2).

In regards to claim 17, Ahluwalia teaches code encoded in said computer

program product to cause the computer system to:

select said first product configuration from at least one stored product

configuration (see response to claim 3).

In regards to claim 18, Ahluwalia teaches wherein said first product

configuration represents a configuration of a first vehicle and said received data further

comprises:

selection of a make of first vehicle

selection of a model of said first vehicle, and

selection of a trim level of said first vehicle (see response to claim 4).

In regards to claim 19, Ahluwalia teaches wherein said received data further comprises: selection of an equipment level of said first vehicle (see response to claim 5).

In regards to claim 20, Ahluwalia teaches code encoded in said computer program product to cause the computer system to:

automatically generate a third product configuration, wherein said third product configuration is comparable to said first product configuration with regard to a product price (see response to claim 6).

In regards to claim 21, Ahluwalia teaches wherein said third product configuration is also comparable to said first product configuration with regard to a product price (see response to claim 7).

Response to Arguments

Applicant's arguments with respect to claims 2-7,9-14,16-21,29,31 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306   [Official communications; including

After Final communications labeled

"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA, 7th floor receptionist.

Mark Fadok

Patent Examiner